



Leah N. Jacob  
Tel 212.801.2169  
Leah.jacob@gtlaw.com

Application GRANTED. Plaintiff shall file a Complaint by **October 27, 2023**. The Chase Defendants shall answer, move or otherwise respond to the Complaint by **November 27, 2023**. The initial pre-trial conference scheduled for November 15, 2023, will proceed as scheduled and the parties shall submit their pre-conference materials by November 8, 2023.

Dated: October 3, 2023  
New York, New York

October 2, 2023

BY ECF

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Hon. Lorna G. Schofield  
United States District Court for the Southern District of New York  
Thurgood Marshall  
United States Courthouse  
Courtroom 1106  
40 Foley Square  
New York, NY 10007

Re: **Sherry Gould v. JPMorgan Chase Bank, N.A., et al. Case No. 1:23-cv-08413**  
**Joint Request for Order Setting Deadline to File Complaint and Corresponding**  
**Responsive Pleading Deadline**

Dear Judge Schofield:

Pursuant to Rule I.B.3. of Your Honor's Individual Practices, we write jointly on behalf of defendants JPMorgan Chase & Co., JPMorgan Securities LLC, and JPMorgan Chase Bank, N.A. (the "Chase Defendants"), who we represent in this matter, and plaintiff Sherry Gould ("Plaintiff"), to request that this Court enter an order in connection with deadlines for: (a) Plaintiff to file an initial Complaint in this action; and (b) the Chase Defendants to respond to the Complaint, once filed.

By way of background, this action was commenced on August 2, 2023, when Plaintiff filed a Summons with Notice in the Supreme Court of the State of New York, New York County pursuant to CPLR 305(b). The Chase Defendants received a copy of the Summons with Notice on April 23, 2023. Because it is ascertainable from the face of the operative Summons with Notice that jurisdiction in federal court is appropriate, the Chase Defendants timely removed the action to this Court on September 22, 2023 by filing a Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 (Dkt. No. 1). See *Whitaker v. Am. Telecasting, Inc.*, 261 F.3d 196, 202-06 (2d Cir. 2001) (recognizing that a Summons with Notice qualifies as an "initial pleading" and thus triggers a defendant's 30-day deadline to remove under 28 U.S.C. § 1446(b)(1) if it contains sufficient detail for the defendant to ascertain the basis for removal).

Unlike the New York CPLR, the Federal Rules of Civil Procedure do not contain any provisions or procedures for the filing of a Complaint after an action is commenced by the filing of a Summons with Notice. To avoid unnecessary motion practice to compel the filing of a Complaint and/or concerning the sufficiency of the Summons with Notice, including under Federal

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Rule of Procedure 8(a), the parties have agreed to the following schedule, which they respectfully request that the Court adopt:

- Plaintiff will file a Complaint in the above-captioned case on or before October 27, 2023; and
- The Chase Defendants will respond to the Complaint as may be appropriate on or before November 27, 2023.

We thank the Court for its attention to this matter and are available to discuss at the Court's convenience.

Respectfully submitted,

/s/ Leah N. Jacob

CC (by ECF): All Counsel of Record